

Notice of Allowability

Application No.

10/698,135

Applicant(s)

FLYNN, WILLIAM T.

Examiner

John K. Fristoe Jr.

Art Unit

3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 6/5/2006.
2. ☒ The allowed claim(s) is/are 1-7, 9-13, 15-17, 21, 22, 24, 25, 27, 29-32, 34-38 and 42-50.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>6/5/2006</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Gregory Kolocouris on 7/24/2006.

The application has been amended as follows:

IN THE CLAIMS:

In claim 1, line 3, --having a stem portion, the elongated portion having a larger diameter than the stem portion--has been added after "portion".

In claim 1, line 9, --at least partially defined by first and second surfaces sized--, has been added after "being".

In claim 1, line 9, "configured" has been deleted from the claim.

In claim 1, lines 9 and 10, "a portion" has been deleted from the claim.

In claim 1, line 10, the second instance of "portion" has been deleted.

In claim 1, line 10, --and stem portions-- has been added after "elongated".

In claim 1, line 10, --respectively;-- has been added after "valve,".

Claim 8 has been canceled.

Claim 14 has been canceled.

In claim 15, line 1, "14" has been replacing with --1--.

In claim 15, line 1, --first surface of the-- has been added after the first instance of "the".

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In claim 15, lines 1 and 2, "includes a surface that" has been deleted from the claim.

In claim 15, line 2, "a segment" has been deleted from the claim.

In claim 15, line 2, --of the valve-- has been added after "portion".

In claim 15, line 2, "an offset" has been deleted.

In claim 15, line 2, --the second-- has been added after "and".

In claim 15, line 2, --of the guide-- has been added after "surface".

In claim 15, line 2, the second instance of "that" has been deleted.

In claim 15, lines 2 and 3, "a segment" has been deleted.

In claim 15, line 3, --of the valve-- has been added after "portion".

In claim 17, line 1, "a portion" has been replaced with --the second surface--.

In claim 17, line 2, "a portion" has been replaced with --the stem portion--.

In claim 17, line 3, "guide" has been replaced with --valve--.

In claim 34, line 5, --with a first diameter, and a stem portion with a second diameter that is less than the first diameter-- has been added after "portion".

In claim 34, line 10, --at least partially defined first and second surfaces-- has been added after "being".

In claim 34, line 10, "receive the" has been deleted from the claim.

In claim 34, line 11, "portion" has been replaced with --and stem portions--.

In claim 34, line, 11, "valve;" has been replaced with --valve, respectively;--.

In claim 34, line 17, "elongated" has been replaced with --stem--.

In claim 34, line 18, --first surface of the-- has been added after the second instance of "the".

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In claim 35, line 6, "ellipsoid;" has been replaced with --ellipsoid, the valve including an elongated portion with a first diameter and a stem portion with a second diameter that is less than the first diameter;--.

In claim 35, line 7, "for receiving at least a portion of the valve," has been replaced with --being at least partially defined by and second surfaces,--.

In claim 35, lines 11-12, "at least a portion of the valve is disposed in the central opening" has been replaced with --the first and second surfaces--.

In claim 35, line 12, "," has been replaced with --slidably engage the elongated and stem portions of the valve, respectively;--.

The above amendments were made in order to overcome a potential prior art rejection.

Information Disclosure Statement

2. The information disclosure statement filed 6/5/2006 is acknowledged by the examiner.

Allowable Subject Matter

3. Claims 1-7, 9-13, 15-17, 21, 22, 24, 25, 27, 29-32, 34-38, and 42-50 are allowed.
4. The following is an examiner's statement of reasons for allowance: U.S. Pat. No. 2,594,641 (Griffith et al.) discloses a valve assembly comprising a body (11), a cavity (18), a valve (17), a stem portion (20), a guide (23), an opening (within element 24), a plurality of radially disposed formations (26), and a connection element (feet attached to element 26 in figure 4) but lacks a valve member having a shape of a modified ellipsoid and the elongated

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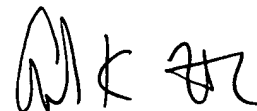
portion having a larger diameter than the stem portion so that the opening having first and second surfaces that receive the elongated portion and the stem portion.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John K. Fristoe Jr. whose telephone number is (571) 272-4926. The examiner can normally be reached on Monday-Friday, 7: 00 a.m-4: 30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine R. Yu can be reached on (571) 272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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Examiner
Art Unit 3751

JKF



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8/4/06